

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)
)
or Suspension of the Educator)
)
Certificate of Matthew T. Hutto,)
)
Certificate 226171)

ORDER OF SUMMARY SUSPENSION

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on April 4, 2011. In accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), and State Board Rule of Governance BBABA, the South Carolina Department of Education (SCDE) requested that the Chair of the State Board summarily suspend the educator certificate of Matthew T. Hutto, certificate 226171, as a result of his being arrested on April 1, 2011, in Dillon County, South Carolina, and being charged with Criminal Sexual Conduct, Second Degree (two counts). The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct, Mr. Hutto may pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Hutto's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Hutto of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Hutto holds a professional South Carolina educator certificate and has four years of teaching experience. Mr. Hutto has been employed by the Dillon County School District Three (District) since 2006 as a Band Director at Latta High School. Mr. Hutto is no longer an employee with the District. On April 1, 2011 Mr. Hutto was arrested in Dillon County, South Carolina, and charged with Criminal Sexual Conduct, Second Degree (2 counts), in violation of S.C. Code Ann. § 16-3-653 (Supp. 2010). It is alleged that between the months of March 1, 2010 through April 1, 2011, Mr. Hutto committed the offense of Criminal Sexual Conduct with a sixteen year old student. It is also alleged that Mr. Hutto had several nude photographs of the

victim on his personal computer. The Chair of the State Board finds that due to the serious nature of these allegations, Mr. Hutto may pose a threat to the safety and welfare of students that may be under his instruction and that emergency action is required to summarily suspend Mr. Hutto's educator certificate.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes unprofessional conduct, immorality, any conduct involving moral turpitude, crime against the law of this State, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (Supp. 2010). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "If the agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." Pursuant to S.C. Code Ann § 59-5-10 (2004) and State Board Rule of Governance BBABA, the Chair of the State Board finds that there is reason to believe that Mr. Hutto may pose a threat to the health, safety and welfare of students that may be under his instruction and that emergency action is required. Accordingly, the educator certificate of Matthew T. Hutto, certificate 226171, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Hutto of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

AND IT IS SO ORDERED.

South Carolina State Board of Education

Gerrita Postlewait

Gerrita Postlewait, Chair

Columbia, South Carolina

April 4, 2011